REMARKS

Applicant has carefully studied the Final Office Action of October 6, 2005 and offers the following remarks in response thereto.

Applicant appreciates the indication that claims 13-16 are allowed and that claims 3, 5, 7, 8, 12, 38-40, 42-50 and 52-56 contain allowable subject matter. However, in light of the deficiencies of the anticipation rejection, Applicant does not amend the claims at this time.

Claims 1, 2, 4, 6, 9-11, 17-24, 26-37, 41, and 51 are rejected under 35 U.S.C. §102(e) as being anticipated by Nimura et al. (hereinafter "Nimura"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

The primary rejection is identical to the rejection addressed in Applicant's previous response. Applicant requests that Applicant's arguments filed August 12, 2005 be considered as if set forth fully herein to address this rejection. The Patent Office provides additional analysis in its "Response to Arguments" section beginning on page 2, line 1 of the Final Office Action of October 6, 2005, and Applicant herein provides a response thereto.

The Patent Office initially disagrees that anticipation requires that the reference be arranged as claimed. The Patent Office cites a lengthy portion of MPEP § 2131, which includes the following sentence: "[t]he elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required." (Office Action of October 6, 2005, page 3, lines 1-3, citation omitted). This language explicitly indicates that the standard set forth in Applicant's last response is correct, namely, the elements of the reference must be arranged as claimed. In spite of this explicit language, the Patent Office states "it is the Examiner's position, and as supported by the very section Applicant referred to, the elements of structures of the claim need not be arranged in the order claimed so long the elements or structures achieve the intended purpose." (Office Action of October 6, 2005, page 3, lines 7-9, emphasis in original). Nothing in the passage cited by the Examiner supports the proposition that the elements of the reference need not be arranged as claimed. In fact, as noted above, the cited passage actually confirms Applicant's position, not the Patent Office's assertion. If the Patent Office disagrees, Applicant requests that the Patent Office identify with particularity what

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statement contradicts the statement "the elements must be arranged as required by the claim. . . ."
In the absence of such an identification, the Patent Office's statement that the elements need not be arranged as claimed is incorrect.

In response to Applicant's argument that Nimura does not teach a request or traffic information query, the Patent Office invites Applicant to consider Nimura, "col. 6, lines 8-22; col. 17, lines 39-50; col. 17, line – col. 18, line 12; and col. 46, lines 34-43 wherein Nimura teaches bi-directional information through an advance traffic information service using telephony." (Office Action of October 6, 2005, page 3, lines 11-14). Applicant notes that each of these passages was cited in the Office Action of March 23, 2005, and Applicant has already addressed each one in the Response filed May 23, 2005. The Office Action of June 3, 2005 failed to address Applicant's arguments. Thus, after eight Office Actions, the Patent Office's only analysis consists of citations already addressed. This repetition of previously addressed arguments (which have not been rebutted) does not help advance prosecution. However, Applicant addresses each of these in turn.

Nimura, col. 6, lines 8-22 states in full:

> Similarly, the beacon receiver unit 26 receives beacon signals from a data providing system such as VICS (Vehicle Information and Communication System) or the like, and the received data and the corrected data of GPS are output to the I/O data bus 28. The data transmitter/receiver unit 27 exchanges a variety of information related to the present position or the road conditions near the car relative to the bi-directional present position information offering system or the ATIS (advanced traffic information service), etc., by utilizing a cellular phone, FM multiplex signals or a telephone circuit. These items of information are used as detecting information for the car position or support information of movement. The beacon receiver unit 26 and the data transmitter/receiver unit 27 may be omitted.

This passage proves conclusively that there is no request for traffic information as recited in the claims. Specifically, this passage indicates that a data providing system, such as the VICS, broadcasts as a beacon signal traffic information. The beacon receiver unit 26 receives the beacon signals. The beacon receiver 26 is part of the in-vehicle navigation system 1 of Nimura. Since the beacon signals are broadcast continually, there is no need for a request, and thus, there is no teaching or suggestion of a request for traffic information. The passage also states: "The data transmitter/receiver unit 27 exchanges a variety of information related to the present position or the road conditions near the car relative to the bi-directional present position

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information offering system or the ATIS (advanced traffic information service), etc., by utilizing a cellular phone, FM multiplex signals or a telephone circuit." However, the passage does not indicate that the transmitter unit 27 ever makes a request. The generalized indication that the transmitter 27 exchanges information is not the same as the explicit requests and queries for traffic information, as recited in the claims. Anticipation requires more than the generalized statement of this passage. As such, this passage does not show the claim element, and does not support the anticipation rejection.

Nimura, col. 17, lines 39-50 states in full:

Next, it is determined whether or not the user has requested input of a new point to the point list 66 (step SM9). This request of input is generated by the operation of a touch switch 34. On a map shown on the display 33, for example, a cursor is moved to specify a particular point. The specified cursor position is input to the point list 66 as a requested point PT (step SM11). When the new point is input or when the user is not requesting to input the new point, the next step SM13 is executed. At the step SM13, it is determined whether the user has requested an increase or decrease of the numerical values of a range for storing a desired point PT.

This passage does use the word "request", but the request of input is a new point on the point list 66. This point list 66 is described with reference to Figure 8 at col .14, lines 20-44. The point lists is a list of points that represents geographical positions and is used in a routine for deleting locus data. Thus, a request to enter a point on the point list 66 is not the same as a request for traffic information. Therefore, this passage does not teach the request or query of the claims. If the Patent Office disagrees, Applicant requests that the Patent Office explain how a request for input of a new point on point list 66 equals a request for traffic information. In the absence of such an explanation, this passage does not show the claim element.

The next citation offered by the Patent Office does not have an originating line number. Applicant proceeds as if the originating line number is col. 17, line 61. If this is incorrect, Applicant requests clarification from the Patent Office as to what was intended.

Nimura, col. 17, line 61-col. 18, line 12 states in full:

Therefore, the amount of locus data stored in the locus data storage unit 40 increases or decreases depending upon an increase or decrease of the value of the range of storage RP. When it is requested to change the value of the range of storage RP (step SM13), a circular area on a map surrounded by the radius of the range of storage RP is shown on the display 33 with the point PT as a center (step SM15). It is then determined again whether the value of the range RP of storage is

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increased or decreased (step SM19).

When it is requested to increase or decrease the range of storage RP (step SM19), the circular area of the range of storage RP of a newly set value is shown again on the display 33 (step SM15). The amount for increasing or decreasing the value of the range of storage RP is specified by the touch switch 34. For example, when the touch switch 34 for increasing the value is depressed, the value of the range of storage RP increases. When the touch switch 34 for decreasing the value is depressed, the value of the range of storage RP decreases.

The first paragraph of the passage also uses the term "request", but this request is a request to change the value of a point (RP) in the point list 66. The request to change the value of the point in the point list 66 is not the same as a request for traffic information. As noted above, the points are merely geographical positions, not traffic information. Thus, this request is not the request for traffic information of the claims.

The second paragraph of the passage also uses the term "request", but this is a request to increase or decrease the range of the storage point on the list 66. This range is increased through the switch 34, and is not a request for traffic information. Since neither of these paragraphs teaches a request for traffic information, the passage does not establish anticipation.

Nimura, col. 46, lines 34-43 states in full:

FIG. 31 is a flow chart of a routine for confirming the storage of locus data (step SA21) of FIG. 9. First, when the user requests limitation of the geographical range of storage to limit locus data stored in the locus data storage unit 40 (step SQ1), it is determined if the start point nodes of the links, which are the locus data stored in the second RAM 6, lie within a range of storage of the radius RP with the points PT of point list 66 as centers. Here, the start point node is a node of the side closer to the point PT.

While the passage indicates a request, this request is not a request for traffic information as recited in the claims, either. This request is for a limitation on the range of storage for the locus data stored. Any traffic information associated with this storage is not provided as part of a request, but rather is provided by the beacon signal. As such, the cited passage does not teach or suggest the claim elements argued above, and does not establish anticipation for the claims.

In short, the Patent Office appears to have done an electronic word search for the word "request" in Nimura and assumed that at least one of these must teach the claim element. However, an inspection of each of the cited passages reveals that the requesting done in each case is not the same as the requesting of the claims. Since the passages do not teach or suggest a request for traffic information, Nimura does not anticipate the claims.

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Applicant requests reconsideration of the rejection in light of the remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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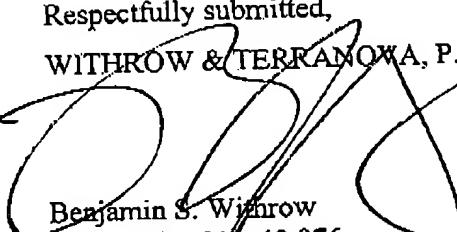
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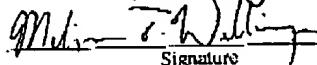P.O. Box 1287
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